

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

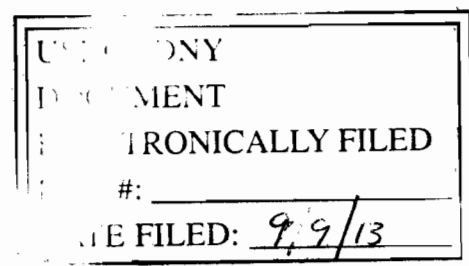
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|-----------------------------------|---|--------------------|
| DONOVAN BYFIELD, |) | |
| |) | |
| individually, and on behalf of |) | |
| all others similarly situated, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. |
| |) | 00 Civ. 0984 (RPP) |
| |) | |
| ABC CARPET & HOME, JERRY WEINRIB, |) | |
| and PAUL CHAPMAN, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

**ORDER GRANTING PLAINTIFFS' APPLICATION FOR AN
AWARD OF ATTORNEYS' FEES, COSTS, AND EXPENSES**

This matter comes before the Court on Plaintiffs' August 26, 2013 Application for an Award of Fees, Costs and Expenses (Doc. # 148), their supporting Memorandum of Law (Doc. # 149), the Declaration of Richard T. Seymour (Doc. # 150) and supporting exhibits, and the Declaration of Alan L. Fuchsberg (Doc. # 151).

The parties agreed in the Settlement Agreement that, in the event Plaintiffs justified the award and the Court made the award, Defendants would pay \$102,375.00 in attorneys' fees and expenses to counsel for Plaintiffs, broken down as follows:

- a. \$20,180.98 in out-of-pocket expenses for the Law Office of Richard T. Seymour, P.L.L.C., through June 21, 2013, as shown in Exhibit 8 to the Declaration of Richard T. Seymour (Doc. # 142-8) submitted in support of the Joint Motion for Preliminary Approval of the Settlement (Doc. # 138);

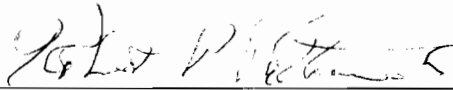


- b. \$1,500 in expenses for the Law Office of Richard T. Seymour, P.L.L.C., in attending the hearings on preliminary and final approval of the settlement;
- c. \$6,751.59 in out-of-pocket expenses for the Jacob D. Fuchsberg Law Firm, as set forth in the Declaration of Alan L. Fuchsberg (Doc. # 142-8) submitted in support of the Joint Motion for Preliminary Approval (Doc. # 138);
- d. \$ 62,493.94 in attorneys' fees to the Law Office of Richard T. Seymour, P.L.L.C.; and
- e. \$ 11,448.49 in attorneys' fees to the Jacob D. Fuchsberg Law Firm.

The Court finds that these fees and expenses are well-supported by the record. Counsel's time and hourly rates are reasonable, and reflect the exercise of billing judgment. Under the Settlement Agreement, counsel have agreed to receive an amount that is less than 17.2% of their lodestar, and have agreed to accept a figure for expenses that is lower than the expenses they reasonably and necessarily incurred in this action. It is therefore

ORDERED, that Defendants shall pay counsel for Plaintiffs the agreed amounts stated above.

Done this 9th day of September, 2013, and New York, New York.



Honorable Robert P. Patterson
United States District Court Judge